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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,244	11/30/2000	Jesse L. Parent	1352 P	4359
21552	7590	07/01/2004	EXAMINER	
MADSON & METCALF GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			KLINGER, SCOTT M	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 07/01/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/727,244	PARENT, JESSE L.	
	Examiner	Art Unit	
	Scott M. Klinger	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 November 2000.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claims 1-19 are pending.

Priority

No claim for priority has been made. The effective filing date for subject matter in the application is 30 November 2000.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaw et al. (WO 98/53581, hereinafter “Gaw”). Gaw discloses a server system and method for networking control networks and direct input/output devices with the World Wide Web. Gaw shows,

In referring to claims 1, 8, and 15,

- A gateway/server computer in electronic communication with the one or more embedded devices said gateway computer running gateway software:

Gaw, Fig. 2 shows gateway/server computer 12 in electronic communication 30 with one or more embedded devices 20, 22, 24, 26, and 28 and client computer 34a

- The system operating such that said server computer communicates with said gateway computer and said gateway computer communicates with the one or more embedded devices, said server computer operating to send a user interface component to the client device, the client device thereafter using the user interface component to communicate with an embedded device by sending communications to said server computer, said

server computer facilitating communications with the embedded device through said gateway computer:

"The present invention is a server system and method for networking control networks and direct input and output from devices to allow accessing of control data via the World Wide Web. In its most general terms, the system of the invention comprises a server and a plurality of embedded client applets. The server includes programming which carries out the operations of receiving control data from one or more direct I/O sources and/or control networks, translating the received control data into a generic control protocol, and managing communication of the generic control protocol between the server and a plurality of clients. The plurality of client applets, which are embedded in a corresponding plurality of Web pages, communicate control data to the server using the generic control protocol, and present control data to client users in the form of graphical displays on the Web pages." (Gaw, page 2, lines 20-30)

In referring to claims 2, 9, and 16,

- The server software comprises a web server.

"The plurality of client applets, which are embedded in a corresponding plurality of Web pages, communicate control data to the server using the generic control protocol, and present control data to client users in the form of graphical displays on the Web pages." (Gaw, page 2, lines 27-30)

In referring to claims 3 and 10,

- The user interface software comprises instructions written in HTML.

"One or more separate input and output JAVA applets on the HTML page provide graphical user interface (GUI) applet devices or widgets which access the static JAVA client object for accessing control data." (Gaw, page 4, lines 25-27)

In referring to claims 6, 13, and 18,

- The user interface software comprises a Java applet:

Gaw, page 4, lines 25-27 (see full quote above)

In referring to claim 17,

- The user interface software comprises instructions written in a mark-up language:

Gaw, page 4, lines 25-27 (see full quote above)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 6, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaw in view of Marcus et al. (WO 00/76155, hereinafter “Marcus”).

In referring to claims 4 and 11, although Gaw shows substantial features of the claimed invention, including the system of claims 1, 2, 8, and 9 (see 102 rejections above), Gaw does not show the web content provided to the client is written in HDML. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Gaw as evidenced by Marcus.

In analogous art, Marcus discloses a messaging system and method. Marcus shows providing web pages in HDML: “*New markup languages meant for handheld devices are the Handheld Device Markup Language (HDML) and the Wireless Markup Language (WML). The improvements in the messaging capabilities of wireless devices are steadily bringing the Internet the wireless world and vice versa.*” (Marcus, page 3, lines 19-23)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Gaw so as to provide the web pages in HDML, such as taught by Marcus, in order to use clients that "*have a hard time displaying typical Web pages meant for large computer screens*" (Marcus, page 3, lines 17-18).

In referring to claims 5 and 12, although Gaw shows substantial features of the claimed invention, including the system of claims 1, 2, 8, and 9 (see 102 rejections above), Gaw does not show the web content provided to the client is written in WML. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Gaw as evidenced by Marcus.

In analogous art, Marcus discloses a messaging system and method. Marcus shows providing web pages in WML: *Marcus, page 3, lines 19-23* (see full quote above)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Gaw so as to provide the web pages in WML, such as taught by Marcus, in order to use clients that "*have a hard time displaying typical Web pages meant for large computer screens*" (Marcus, page 3, lines 17-18).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaw in view of Marcus and in further view of Philon ("Build servlet-based enterprise Web applications: Learn to build better, faster servlets with advanced servlet techniques", JavaWorld). Although Gaw in view of Marcus shows substantial features of the claimed invention, including the system of claims 6, 9, and 18 (see 102 rejections above) and the use of Java (*Gaw, page 4, lines 25-27*, see full quote above), Gaw in view of Marcus does not explicitly show the serving software comprises a Java servlet. Nonetheless this feature is well known in the art and would have been an obvious implementation of the system disclosed by Gaw in view of Marcus as evidenced by Philon.

In analogous art, Philon discloses using servlet-based Java applications. Philon shows using Java servlets for server side processing: "*The java servlet architecture provides an excellent framework for server-side processing*" (Philon, paragraph 1)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of implementing the system of Gaw in view of Marcus so as to use a Java servlet, such as taught by Philon, in order to "*take advantage of Java's memory management and rich set of APIs*" (Philon, paragraph 1).

Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaw in view of Philon. Although Gaw shows substantial features of the claimed invention, including the system of claims 9 and 18 (see 102 rejections above) and the use of Java (*Gaw, page 4, lines 25-27, see full quote above*), Gaw does not explicitly show the serving software comprises a Java servlet. Nonetheless this feature is well known in the art and would have been an obvious implementation of the system disclosed by Gaw as evidenced by Philon.

In analogous art, Philon discloses using servlet-based Java applications. Philon shows using Java servlets for server side processing: "*The java servlet architecture provides an excellent framework for server-side processing*" (Philon, paragraph 1)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of implementing the system of Gaw so as to use a Java servlet, such as taught by Philon, in order to "*take advantage of Java's memory management and rich set of APIs*" (Philon, paragraph 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger
Examiner
Art Unit 2153

smk



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